

HOUSE INTERNATIONAL RELATIONS COMMITTEE  
HEARING ON PRC ANTI-SECESSION LEGISLATION  
STATEMENT OF DEPUTY ASSISTANT SECRETARY OF STATE  
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Thank you Mr. Chairman for the opportunity to appear before you and other members of the Committee today to address the recent passage of anti-secession legislation by the National People's Congress of the People's Republic of China and its impact on cross-Strait and U.S.-China relations.

Since December 17 last year, when the Chinese began publicly discussing the likelihood that the legislation would be brought to the National People's Congress for consideration at its annual March session, we have been very clear, including at the highest levels of the Administration – Secretary Rice and former Secretary Powell -- that we believed such legislation would be unhelpful, and a step in the wrong direction. Instead, we have counseled taking advantage of warming trends in the cross-Strait relationship to further peaceful dialogue that would be in the interests of the people on both sides of the Strait.

Let me be a bit more specific about our efforts to let China know our views of the legislation:

- In January, former Deputy Secretary Armitage and then Deputy National Security Advisor Stephen Hadley met with State Council

Taiwan Affairs Office Director Chen Yunlin, who was in Washington to convey China's intentions with regard to the anti-secession Act, and expressed our reservations.

- In a February visit to Beijing, National Security Council Senior Director for Asian Affairs Michael Green told senior Chinese leaders that passage of the legislation would undermine cross-Strait stability.
- In a letter to former Chinese Ambassador Yang Jiechi, former Under Secretary for Political Affairs Marc Grossman urged China not to complicate the cross-Strait relationship and, rather than proceed with the law, to consider instead ways to resume dialogue with Taiwan.
- On the eve of the ratification vote by the National People's Congress, the Charge at our Embassy in Beijing urged China not to pass the legislation.
- In our public statements as well we have also cautioned against any hardening of positions and urged instead that the two sides look to resume their dialogue.

While Beijing's leaders claim the law simply restates China's long-standing policy, we are deeply concerned about Article 8 of the legislation which states : "In the event that the 'Taiwan independence' secessionist forces should act under any name or by any means to cause the fact of Taiwan's secession from China, or that major incidents entailing Taiwan's secession from China should occur, or that possibilities for a peaceful

reunification should be completely exhausted, the state shall employ non-peaceful means and other necessary measures to protect China's sovereignty and territorial integrity.”

This statement, now codified in law, about a non-peaceful response raises additional questions regarding how China will respond to what it perceives as ongoing efforts in Taiwan to define itself with a separate identity, including steps that fall short of declaring de jure independence. Given the aggressive military build-up opposite Taiwan – particularly the deployment of massive numbers of short-range ballistic missiles – we have cause to register strong concern.

As I said, passage of the legislation clearly runs counter to concurrent positive trends in cross-Strait relations including the temporary implementation of direct charter flights, for the first time since 1949, between Taiwan and the mainland during Chinese New Year, and the mainland delegation that traveled to Taiwan for the funeral of former Straits Exchange Foundation Chairman Ku Chen-foo. We strongly encourage such steps and welcome any measures that promote greater confidence such as the above mentioned cross-Strait contacts and discussions.

We have been encouraged by some statements made by China’s senior-most leaders that appear designed to allow room for maneuver on both sides. However, some elements of the law, particularly Article 8, are not in the spirit of these more hopeful signs.

Consequently, upon the passage of the legislation and on our finally having an opportunity to review the actual text passed by the NPC, we were unequivocal in our expression of concern.

- Assistant Secretary Boucher made clear that the law was unfortunate, did not serve the cause of peace and stability in the Taiwan Strait and he reiterated our opposition to any attempt to determine the future of Taiwan by other than peaceful means.
- At the White House, press spokesman Scott McClellan said that “we don’t want to see a unilateral attempt that would increase tensions in the region” and pointed out that according to the Taiwan Relations Act any effort to determine the future of Taiwan by other than peaceful means is viewed by the U.S. as a threat to peace and security in the region.
- Secretary Rice, traveling to Beijing shortly after the legislation was passed, underscored our public disappointment that China had taken this unhelpful step, noted that it had raised tensions, and called on Beijing to take positive steps to reassure Taiwan of its desire to engage in peaceful dialogue.

In our view, the Chinese government clearly had options other than moving this legislation to the NPC for consideration. But it would seem that a combination of domestic political factors, an approval process too far advanced to allow the leadership to pull it back, and an urgency about the

direction of a democratic Taiwan would take in the next few years led to the law's passage.

That's the situation we have to deal with now, despite the very best efforts of the Administration and the concerns that have been expressed by members of Congress in resolutions and by the American press.

Passage of the legislation has undermined, rather than raised, confidence and trust across the Strait. We continue to be concerned about an unhelpful cycle of action and reaction. The Taiwan public and Taiwan authorities have understandably focused on the legislation's provisions for the use of non-peaceful means. Statements by Taiwan leaders equating the legislation to a unilateral change of the status quo and the March 26 demonstration in Taipei reflect the perception by both Taiwan authorities and private citizens that the law does not serve the interests of the Taiwan people. We note those concerns, but urge both sides to exercise restraint and seek affirmative means to rebuild trust.

Although passage of the "anti-secession" law has brought a new challenge to our efforts to promote a peaceful resolution to cross-Strait differences, we do not believe it requires a shift in our approach to the issue.

- We remain committed to our longstanding one China policy, which has helped both sides to prosper and contributes to the peace. We are making clear that we do not support Taiwan independence, oppose unilateral changes by either side to the status quo – particularly with

respect to the use of force -- and abide by our commitments under the joint communiqués and the Taiwan Relations Act.

- We continue to urge both sides to seek all opportunities for dialogue that contribute to a peaceful resolution of cross-Strait differences.
- And we will also continue to make explicit our fundamental opposition to China's acquisition of military capabilities and deployments targeted against Taiwan.

Thank you Mr. Chairman. I would be happy to answer any questions you or the Committee may have.